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6 Attorneys for the Plaintiffs
7 NELLCOR PURITAN BENNETT, INC. and
BOARD OF REGENTS, UNIVERSITY OF
TEXAS SYSTEM
8

9 IN THE UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 NELLCOR PURITAN BENNETT, INC., and) Case No.: 04-1934 VRW
13 BOARD OF REGENTS, UNIVERSITY OF)
14 TEXAS SYSTEM,) **STIPULATED DISMISSAL WITH**
15 Plaintiffs,) **PREJUDICE**
16 v.)
17 SMITHS MEDICAL INTERNATIONAL)
18 LTD., SMITHS MEDICAL ASD, INC.,)
BREGAS AB, VITAL SIGNS, INC.)
VITAL SIGNS SWEDEN AB, and FUTALL)
AB,)
19 Defendants.)
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21 **STIPULATED DISMISSAL WITH PREJUDICE**

22 Plaintiff and Counter-Defendant Nellcor Puritan Bennett Incorporated, Plaintiff Board
23 of Regents, The University of Texas System, and Defendant Vital Signs, Inc., Defendant Vital
24 Signs Sweden AB, and Defendant Futall AB in this case, hereby jointly stipulate that all
25 claims or causes of action asserted in this suit between and among Plaintiff and Counter-
26 Defendant Nellcor Puritan Bennett Incorporated, Plaintiff Board of Regents, The University
27 of Texas System, and Defendant Vital Signs, Inc., Defendant Vital Signs Sweden AB, and
28 Defendant Futall AB are hereby dismissed with prejudice to the right of the parties to assert in
the future any such claims.

The above parties further stipulate that all attorneys' fees and costs are to be borne by the party that incurred them.

IT IS SO STIPULATED.

Respectfully submitted,

Date: September 8, 2006

/s/ Scott R. Brown

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Respectfully submitted,

Date: September 8, 2006

/s/ Frank L. Bernstein

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VITAL SIGNS, INC., VITAL SIGNS SWEDEN AB,
and FUTALL AB

IT IS SO ORDERED.

Signed this 14th day of September 2006.

Chief Judge Vaughn R. Walker

CERTIFICATE OF SERVICE

I hereby certify that a true copy of Nellcor Puritan Bennett, Inc. and Board of Regents, The University of Texas System's **STIPULATED DISMISSAL WITH PREJUDICE** is being served upon the following counsel of record this 8th day of September, 2006, via e-mail to:

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*Attorneys for Plaintiffs
Nellcor Puritan Bennett, Inc. and
Board of Regents, University of Texas System*

Date: September 8, 2006

/s/ Frank L. Bernstein
Frank L. Bernstein